



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.22380 of 2021

and W.M.P. Nos.23630, 23631 and 23632 of 2021

M.Lakshaya (Minor)

D/o.M.Murugan

Rep. by her father/Guardian

M.Murugan

..Petitioner

-Vs-

1 The Principal Secretary to Government,
School Education (GE Department)
Fort St. George,
Chennai - 600 009.

2 The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 034.

3 The Member Secretary,
State Board of School Examinations,
(Higher Secondary Tamil Nadu)
DPI, College Road,
Chennai - 600 006.

4 The Municipal Girls Government Modern
Higher Secondary School,
Rep. by its Head Master,
Tiruvannamalai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in proceedings in Clause XII of G.O.(MS) No.105 (School Education (GE) Department) dated 12.07.2021 on the file of 1st respondent and quash the same and directing the respondents to declare the original Marksheet Published in May 2021 as final.

For Petitioner	:	Mr.R.Rajarajan
For Respondents	:	Mr.A.Selvendran Government Counsel



O R D E R

This writ petition has been filed challenging the impugned Government Order in G.O.(Ms)No.105 (School Education (GE) Department), dated 12.07.2021 and for a consequential direction to the respondents to declare the original marks secured by the petitioner's daughter published in May 2021 as final.

2.The case of the petitioner is that his daughter took the Higher Secondary examination during the academic year 2020-2021 and when the results were published in May, 2021, she had secured 525.17 marks out of 600 marks. The student was not satisfied with these marks and hence, chose to go for the re-examination. During re-examination, the student was able to secure only 361 marks.

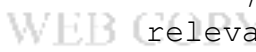
3.The grievance of the petitioner is that as per G.O.(Ms) No.105 (School Education (GE) Department), dated 12.07.2021, the marks secured by the student in the re-examination alone will be taken into consideration. For proper appreciation, the relevant Clause in the Government Order is extracted hereunder:

xii. Candidates not satisfied with the Assessment
Candidates who are not satisfied with their Class 12 marks granter on the basis of the above assessment methodology, will be given an opportunity to appear in examinations to be conducted by the State Board when conditions are conductive for holding the examinations. However, as per this policy, if a student opts to take these examinations, the marks obtained by the students in these examinations will be considered final. Further, examinations will be conducted for all the subjects and candidates will have to appear for all such examinations. No request relating to specific subjects and appearance only for those subjects shall be entertained.

4.In view of the above development, the seat that was secured by the petitioner's daughter by virtue of the marks in the original examination, is now in peril due to the lesser marks scored in the re-examination. Aggrieved by the same, the Government Order has been put to challenge.

5.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

6.In the considered view of this Court, the petitioner's daughter was very well aware of the fact that the Government Order specifically provided that the marks secured in the re-examination alone will be taken as the final marks. Having known



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10. This Court does not find any arbitrariness or illegality in the relevant Clause in the Government Order. The stipulation



provided under the Government Order is going to be applied across the Board and therefore, any student who decides to take re-examination must think twice before taking the examination since the marks secured in the re-examination alone will be considered as final. The petitioner's daughter having taken such a chance cannot be allowed to turn around and challenge the Government Order.

11. This Court does not find any ground to entertain this writ petition and as a result, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

1 The Principal Secretary to Government,
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Chennai - 600 009.

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(Higher Secondary Tamil Nadu)
DPI, College Road,
Chennai - 600 006.

4 The Head Master,
Municipal Girls Government Modern
Higher Secondary School,
Tiruvannamalai.

+1 cc to Mr.R.Rajarajan, Advocate Sr.NO. 54164

+1 cc to Government Pleader Sr.NO. 55107

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KK(CO)

A.SK(10.11.2021)